

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Tanya Winters,

Plaintiff,

v.

F-N-F Construction, et al.,

Defendants.

No. CV-24-00880-PHX-DMF

ORDER

This matter was assigned to Magistrate Judge Deborah M. Fine. (Doc. 3). On July 22, 2024, the Magistrate Judge filed a Report and Recommendation with this Court.¹ (Doc. 24). The Magistrate Judge recommended that Plaintiff's Amended Complaint, (Doc. 22), be dismissed without prejudice. Plaintiff has made filings which the Court

¹ This case is assigned to a Magistrate Judge. However, not all parties have consented to the jurisdiction of the Magistrate Judge. Thus, the matter is before this Court pursuant to General Order 21-25, which states in relevant part:

When a United States Magistrate Judge to whom a civil action has been assigned pursuant to Local Rule 3.7(a)(1) considers dismissal to be appropriate but lacks the jurisdiction to do so under 28 U.S.C. § 636(c)(1) due to incomplete status of election by the parties to consent or not consent to the full authority of the Magistrate Judge,

IT IS ORDERED that the Magistrate Judge will prepare a Report and Recommendation for the Chief United States District Judge or designee.

IT IS FURTHER ORDERED designating the following District Court Judges to review and, if deemed suitable, to sign the order of dismissal on my behalf:

Phoenix/Prescott: Senior United States District Judge Stephen M. McNamee

1 construes to be objections the Magistrate Judge’s Report and Recommendation. Having
 2 considered the Report and Recommendation and Plaintiff’s objections, the Court adopts
 3 the Report and Recommendation.

4 **I. STANDARD OF REVIEW**

5 When reviewing a Magistrate Judge’s Report and Recommendation, this Court
 6 “shall make a de novo determination of those portions of the report . . . to which objection
 7 is made,” and “may accept, reject, or modify, in whole or in part, the findings or
 8 recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C); see also
 9 Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991). The relevant provision of the
 10 Federal Magistrates Act, 28 U.S.C. § 636(b)(1)(C), “does not on its face require any
 11 review at all . . . of any issue that is not the subject of an objection.” Thomas v. Arn, 474
 12 U.S. 140, 149 (1985); see also Wang v. Masaitis, 416 F.3d 992, 1000 n.13 (9th Cir. 2005)
 13 (“Of course, de novo review of a R & R is only required when an objection is made to the
 14 R & R.”); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc)
 15 (“Neither the Constitution nor the [Federal Magistrates Act] requires a district judge to
 16 review, de novo, findings and recommendations that the parties themselves accept as
 17 correct.”). Likewise, it is well-settled that “failure to object to a magistrate judge’s factual
 18 findings waives the right to challenge those findings.” Bastidas v. Chappell, 791 F.3d
 19 1155, 1159 (9th Cir. 2015) (quoting Miranda v. Anchondo, 684 F.3d 844, 848 (9th Cir.
 20 2012)).

21 **II. DISCUSSION**

22 The Magistrate Judge has concluded that Plaintiff’s Amended Complaint does not
 23 contain a sufficient basis to invoke the Court’s jurisdiction over Plaintiff’s claims. (Doc.
 24 24 at 6). The Magistrate Judge found that Plaintiff’s allegations are conclusory and do not
 25 state a claim upon which relief may be granted, and thus, that Plaintiff’s Amended
 26 Complaint should be dismissed without prejudice. (Id. at 6–7).

27 Plaintiff has filed notices that appear to object to the Report and Recommendation
 28 of the Magistrate Judge. (Doc. 26, 27, 29). However, Plaintiff has not raised any

1 objections to the Magistrate Judge's analysis or substantive conclusions. Rather, Plaintiff
2 makes allegations that she has been denied use of the jail's resources, (Doc. 27), that
3 Plaintiff has a traumatic brain injury that caused the deficiencies in Plaintiff's Complaint
4 and cause Plaintiff to require representation, (Doc. 26), and that Plaintiff's documents
5 have been wrongfully disposed of by the jail. (Doc. 29).

6 The Magistrate Judge placed Plaintiff on notice of the deficiencies in Plaintiff's
7 original Complaint and permitted Plaintiff to correct the deficiencies. (Doc. 17). Plaintiff
8 failed to correct the deficiencies in Plaintiff's Amended Complaint, and Plaintiff has not
9 objected to the Magistrate Judge's conclusions on this matter. Accordingly, the Court
10 need not review the Magistrate Judge's conclusions as to the deficiencies in Plaintiff's
11 Amended Complaint. The Court thus adopts the Magistrate Judge's Report and
12 Recommendation.

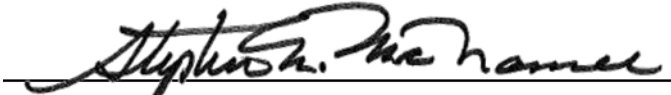
13 Accordingly, for the reasons set forth,

14 **IT IS ORDERED adopting** the Report and Recommendation of the Magistrate
15 Judge. (Doc. 24).

16 **IT IS FURTHER ORDERED dismissing without prejudice** this matter.

17 **IT IS FURTHER ORDERED directing** the Clerk of Court to terminate this case.

18 Dated this 19th day of August, 2024.

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21 Honorable Stephen M. McNamee
22 Senior United States District Judge
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